

REMARKS

Claims 1, 2, 4 – 7, 10, and 12 – 14 are pending in the application. In the Outstanding Office Action, the Examiner indicated that claims 3 – 9 and 11 – 13 would be allowable if rewritten in independent form. This indication of allowable subject matter is noted with appreciation. In the same Office Action, the Examiner: rejected claims 1, 2, 10, and 14 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,572,288 (Kinley) in view of U.S. Patent No. 5,369,579 (Anderson), and objected to claims 1 – 10 due to informalities.

By this response, claims 3, 8, 9, and 11 have been cancelled without prejudice or disclaimer. Claims 1, 2, 4, 5, 6, 10, 12, and 14 have been amended. The Examiner's comments have been carefully reviewed and considered. Applicant submits that the above amendments place the application in allowable form in accordance with the Examiner's indications. No new matter has been added to these claims.

Objections to the Drawings

In the outstanding Office Action, the Examiner objected to the drawings for failing to show the mechanical unit recited in claims 8 and 9.

Response

To expedite the application to allowance, Applicant cancels claims 8 and 9 without prejudice or disclaimer. This amendment is not to be construed as disclaimer of the features of claims 8 and 9, and Applicant reserves the right to pursue these claims in a continuing application.

Accordingly, Applicant submits that the Examiner's drawing objections have been

obviated.

Objections to the Specification

In the outstanding Office Action, the Examiner objected to the abstract of the disclosure for reciting the phrase “said cable cutter.”

Response

The above amendments to the specification remove the term “said cable cutter,” and are believed to obviate the Examiner’s objections to the specification.

Objections to the Claims

In the outstanding Office Action, the Examiner objected to claims 1 – 9 for failing to recite any positive method steps by using nouns or gerunds, and objected to claims 1, 2, 4, 5, and 10 for lacking proper antecedent basis for all terms recited therein.

Response

The above amendments are believed to address each objection raised by the Examiner. Claim 1, for example, now positively recites the gerunds “using” and “resetting” at the respective starts of the two claimed method steps. Moreover, claims 2, 4, and 5 have been amended to also positively recite gerunds in each method step.

Further, Claims 1, 2, 4 – 6, 10, 12, and 14 have been amended to correct all antecedent basis errors identified by the Applicant, and to generally place the claims in a format consistent

with U.S. practice.

The Examiner is hereby authorized, without the need of further contact by the Examiner, to enter an Examiner's Amendment to correct any remaining cases where antecedent basis is lacking.

Accordingly, Applicant submits that the Examiner's claim objections have been obviated.

Rejections Under 35 U.S.C. §103(a)

The Examiner rejected claims 1, 2, 10, and 14 under 35 U.S.C. 103(a) as being unpatentable over Kinley in view of Anderson, but indicated that claims 3 and 11, *inter alia*, would be allowable if rewritten in independent form.

Response

The Examiner's indication of allowable subject matter is noted with appreciation. In accordance therewith, Applicant has amended independent claims 1 and 10 to include the allowable features of claims 3 and 11, which have been accordingly cancelled.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) that some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) that the prior art references teach or suggest all of the claim limitations. *Amgen, Inc. v. Chugai Pharm. Co.*, 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ 494, 496 (CCPA 1970).

The above amendments to claims 1 and 10 recite features identified by the Examiner as absent from the teachings of Kinley and Anderson. Accordingly, Applicant submits that these amendments obviate the Examiner's *prima facie* case of obviousness thereto, and to claims 2, 4, and

7, and to claims 12 – 14, dependent respectively therefrom.

The above amendments are made to expedite the present case to allowance. Applicant reserves the right to pursue the independently patentable features of all remaining claims in one or more continuing applications.

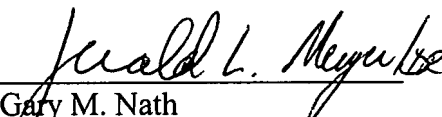
Conclusion

In light of the foregoing, Applicant submits that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner call the undersigned.

Respectfully submitted,
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